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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,119	07/10/2003	Rudolf Weiss	WEISS, R ET AL 1	3441
25889	7590	10/21/2004	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/617,119

Applicant(s)

WEISS ET AL.

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The drawings received on 12/28/2002 are acceptable for the purposes of examination.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 8 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Peter (U.S. Patent 3,849,015).

Claim 7. Peter discloses (fig. 1) a shaft-hub connection comprising: an attachment flange (1) having a hub element (hub portion of 1) with a conical region (conical region of 1); a clamping element (1a, 2) which is attachable to the attachment flange and by means of which a shaft end (end of 6) assigned to the attachment flange is connectable by frictional connection to the attachment flange; and a bushing (3) positioned between the clamping element and the shaft end to take up a slip torque and designed in multiple parts in its axial direction, and wherein the level of the slip torque which is to be taken by the bushing can be preset (e.g. by tightening 5).

Claim 8. Peter discloses that the clamping element is a clamping ring.

Claim 11. Peter discloses a hub-sleeve element (hub sleeve portion of 1) assigned to the shaft end, wherein the hub-sleeve element is under the clamping effect of the clamping element.

Claim 12. Peter discloses that the hub-sleeve element is implemented in one piece with the attachment flange and extends essentially over the length of the bushing.

Claim 13. Peter discloses that the hub-sleeve element is implemented in multiple parts (attaching flange part of 1, and sleeve-shaped part of 1), one part being implemented in one piece with the attachment flange and the other part being assigned as a sleeve-shaped hub core to the shaft end. Note that a unitary piece may comprise many parts (or sections), which are not separated from one another within the broadest reasonable interpretation of the claim language.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peter (U.S. Patent 3,849,015) in view of Clifton (U.S. Patent 5,599,129).

Claim 9. Peter discloses that the bushing material should be softer than the steel shaft (col.2, ll.39-42 and col.4, ll.15-20). Peter discloses that the bushing material can be brass (col.4, l.68 – col.5, l.1) although other softer-than-steel materials are within the scope of the disclosure of Peter. Clifton teaches (col.4, ll.50-55) that bronze materials are equivalent to brass materials for the construction of bushings to be used with steel. Bronze is inherently softer than steel (as is brass). It has generally been recognized that selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin,

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227 F.2d 197, 125 USPQ 416 (CCPA 1960). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use a bronze material, rather than a brass material, to construct the bushing of Peter, as they are equivalents in the art and since such practice is a design consideration within the skill of the art.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peter (U.S. Patent 3,849,015) in view of Richardson (U.S. Patent 5,970,932).

Claim 10. Peter discloses that the bushing has inner and outer sliding surfaces and that the bushing material should be softer than the steel shaft (col.2, ll.39-42 and col.4, ll.15-20). Peter discloses that the bushing material can be brass (col.4, l.68 – col.5, l.1) although other softer-than-steel materials are within the scope of the disclosure of Peter. Richardson teaches (col.2, ll.2, ll.8-13) that oil impregnated bronze bushings are preferable over brass bushings since the brass bushings wear out faster than the bronze. The oil impregnated bronze bushings are inherently softer than steel and have a sliding film (oil) on all of its outer surfaces. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to make the Peter bushings from an oil impregnated bronze since oil impregnated bronze doesn't wear out as fast as brass.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

Applicant's amendment (e.g. the newly added limitation "conical region" in lines 2-3 of claim 7) necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (703) 305-5701. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

VLM

VLM

October 12, 2004

Daniel P. Stodola

DANIEL P. STODOLA  
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